

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

James Lee Jones, Jr.,

Petitioner,

v.

United States of America,

Respondent.

No. CR-19-08075-PCT-DWL  
No. CV-23-08040-PCT-DWL

**ORDER**

Pending before the Court are Petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (Doc. 1) and the report and recommendation ("R&R") of Magistrate Judge Bibles (Doc. 13). The R&R, which was issued on December 28, 2023, concluded that the motion should be denied and further provided that "the parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the Court." (Doc. 13 at 11.)

Here, no such objections have been filed. Thus, the Court accepts the Magistrate Judge's recommendation. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149-50 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) ("[N]o review is required of a magistrate judge's report and recommendation unless objections are filed."). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) ("[T]he district judge must review the magistrate judge's findings and recommendations

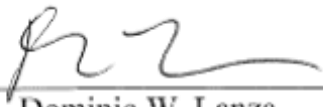
1 de novo *if objection is made*, but not otherwise.”).

2 Accordingly,

3 **IT IS ORDERED** that the R&R’s recommended disposition (Doc. 13) is **accepted**,  
4 that the § 2255 motion (Doc. 1) is **denied**, and that the Clerk shall enter judgment  
5 accordingly.

6 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to  
7 proceed *in forma pauperis* on appeal be **denied** because Petitioner has not made a  
8 substantial showing of the denial of a constitutional right.

9 Dated this 22nd day of January, 2024.

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13 Dominic W. Lanza  
14 United States District Judge  
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